

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

JAIME VELA

Plaintiff,

VS.

**VOYAGER INDEMNITY INSURANCE
COMPANY, AMERICAN RELIABLE
INSURANCE COMPANY, VINCENT
MARANO, AND HEATHER ERWIN**

Defendants.

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C.A. NO. 5:15-CV-239

DEFENDANTS' NOTICE OF REMOVAL

COME NOW Defendants, VOYAGER INDEMNITY INSURANCE COMPANY, AMERICAN RELIABLE INSURANCE COMPANY, VINCENT MARANO and HEATHER ERWIN (hereinafter "Voyager"), and file this Notice of Removal under Fed. R. Civ. P. 81(c) and pursuant to 28 U.S.C. 1446(b)(3) of Cause No. 9,143; *Jaime Vela v. Voyager Indemnity Insurance Company, American Reliable Insurance Company, Vincent Marano & Heather Erwin*; In the 49th Judicial District Court of Zapata County, Texas to the United States District Court for the Southern District of Texas, Laredo Division and would show this Court as follows:

A. Procedural Background

1. Plaintiff filed this case as Cause No. 9,143; *Jaime Vela v. Voyager Indemnity Insurance Company, American Reliable Insurance Company, Vincent Marano & Heather Erwin*; In the 49th Judicial District Court of Zapata County, Texas on August 31, 2015. (See Exhibit "A").

2. Defendant Voyager Indemnity Insurance Company was served with such suit on September 23, 2015. (See Exhibit “B”). Voyager files this Notice of Removal within the 30-day time period required by 28 U.S.C. §1446(b).

3. A copy of the District Court docket sheet is provided to the Clerk of the Court. Relevant pleadings and answers are attached hereto as exhibits. (See Exhibit “C”).

4. Venue is proper in the Southern District of Texas, Laredo Division as this division and district embrace the venue of the state court action.

5. Voyager will promptly file a copy of this Notice of Removal with the clerk of the county court in which this action has been pending.

B. Nature of the Suit

6. This is a suit based upon a policy of insurance. Plaintiff claims that his residence sustained damage as a result of a September 2, 2013 weather event and Voyager failed to comply with the policy of insurance issued to Plaintiff with respect to her claim under the policy as a result of the weather event.

C. Basis for Removal

7. Removal is proper because there is complete diversity between the parties. *See* 28 U.S.C. §1332(a). Plaintiff, Jaime Vela, is an individual who resides at 402 2nd Street, Zapata, Texas 78076. Defendant Voyager Indemnity Insurance Company is a foreign corporation organized and existing under the laws of the state of Arizona with its principal place of business in Scottsdale, Maricopa County, Arizona. The amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

D. Jury Demand

8. Plaintiff has not demanded a jury trial in the State Court action.

E. Conclusion and Prayer

WHEREFORE PREMISES CONSIDERED, Defendants, VOYAGER INDEMNITY INSURANCE COMPANY, AMERICAN RELIABLE INSURANCE COMPANY, VINCENT MARANO and HEATHER ERWIN give notice that Cause No. 9,143; *Jaime Vela v. Voyager Indemnity Insurance Company, American Reliable Insurance Company, Vincent Marano & Heather Erwin*; In the 49th Judicial District Court of Zapata County, Texas is hereby removed from said State Court to the United States District Court for the Southern District of Texas, Laredo Division, and Defendants pray for such other and further relief to which it may show itself justly entitled.

Respectfully submitted,

COOPER & SCULLY, P.C.

By: /s/ Fred Shuchart

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ATTORNEY FOR DEFENDANTS

VOYAGER INDEMNITY INSURANCE

COMPANY, AMERICAN RELIABLE

INSURANCE COMPANY, VINCENT

MARANO AND HEATHER ERWIN

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been forwarded to all known counsel of record as indicated below by certified mail, return receipt requested, facsimile and/or hand delivery on this 19th day of October, 2015.

Kent Livesay
Law Offices of R. Kent Livesay
5319 South McColl Road
Edinburg, Texas 78539

☐ via certified mail/return receipt requested
☐ via regular mail
☒ via facsimile – (956) 686-0050
☐ via hand delivery

/s/ Fred Shuchart
FRED SHUCHART